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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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DEC 11 2003

Federal Communications Commission
Office of Secretary

In the Matter Of)
)
MariTEL, Inc. Petition for Declaratory Ruling)
and National Telecommunications and)
Information Administration Petition for)
Rulemaking Regarding the Use of Maritime)
VHF Channels 87B and 88B)

DA 03-3585
RM-10821

REPLY COMMENTS OF THOMAS W. TITTLE

Thomas W. Tittle d/b/a Burns Harbor Radio ("Tittle"), by his attorney and pursuant to the invitation by the Federal Communications Commission ("FCC" or "Commission") in its Public Notice issued on November 7, 2003, hereby files reply comments regarding the petition of the National Telecommunications and Information Administration ("NTIA") to designate VHF marine channels 87B (161.975 MHz) and 88B (162.025 MHz) for Automatic Identification System (AIS) operations; and the petition for declaratory ruling filed by MariTEL, Inc. (Maritel) to prohibit use of VHF public coast frequencies from being used for AIS.

Tittle is the licensee of site-based VHF public coast stations at Michigan City, Indiana (call sign KLU757) on frequency 161.850 MHz; Portage, IN (call sign KQU578) on frequency 162.000 MHz, and Gary, IN (call sign WQB676) on frequency 161.800 MHz. These stations provide public correspondence communications service to U. S. and foreign vessels on Lake Michigan. The working frequency of Tittle's station at Portage, IN falls between the two frequencies that NTIA has petitioned the FCC to use for AIS on a nationwide basis.

I. The Commission Should Protect Incumbent Operations

As Maritel has pointed out in its comments, the rules adopted by the Commission for operation of AIS envisioned a much more modest operation than now proposed by NTIA. The rules originally adopted by the Commission called for AIS operation on offset, narrowband (12.5 kHz) channels, duplex operations, and the ability to switch traffic from one channel to another in a system that would be used exclusively as part of a Ports and Waterways Safety System (PAWSS). The NTIA petition now requests the Commission to designate the public coast channels 87B and 88B for nationwide simplex operation of AIS.

Information submitted to the Commission by Maritel suggests that AIS operations, as proposed by NTIA, may result in destructive interference to co-channel and adjacent-channel public correspondence frequencies. If so, it may disrupt public correspondence between Tittle's public coast stations and ship stations operating on Lake Michigan, as well as communications with land vehicles that public coast operators are permitted to provide.¹

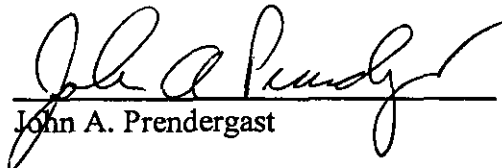
Tittle's stations have been in operation for many years and he has established cordial relationships with the operators of domestic and international vessels that regularly use his public coast stations when they are in the area. There is no better evidence of this cordial relationship than the fact that operators of two large vessels have invited him aboard their vessels to test AIS operations from those vessels and their effect on this public coast services. The tests indicated that if shipboard AIS equipment is properly installed, i.e., with at least 2 feet vertical separation between the AIS antenna and the antenna used for commercial traffic, Tittle's stations could effectively communicate with the shipboard stations. However, it is uncertain that AIS shore stations will not cause interference to his public coast transmissions. Therefore, the FCC should not allow the NTIA petition to go forward until it can be shown that no harmful interference will result to incumbent VHF existing public coast licensees operating on the frequencies the NTIA has requested the Commission to reserve for AIS operations, or the adjacent VHF public coast frequencies.

The NTIA petition is silent with respect to its impact on existing VHF public coast stations currently operating on channel 87B. Would such stations be grandfathered or would the Commission move those stations to other VHF public coast spectrum? And if so, where would that spectrum come from? The Commission has previously recognized, in the context of spectrum reallocations made in the emerging technologies band and elsewhere, that incumbent licensees must be protected from and/or compensated for the impact of the proposed reallocation.

Respectfully Submitted,

THOMAS W. TITLE

By



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Dated: December 11, 2003

¹ See Section 80.123 of the Commission's Rules.

CERTIFICATE OF SERVICE

I, Douglas W. Everette, hereby certify that I am an attorney with the law firm of Blooston, Mordkofsky, Dickens, Duffy & Prendergast, and that copies of the foregoing Reply Comments were served by hand delivery on this 11th day of December, 2003 to the persons listed below:

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